

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

MDL No. 2804

Case No. 17-md-2804

This document relates to:

Judge Dan Aaron Polster

Cabell County Commission v.
AmerisourceBergen Drug Corporation et al.,
Case No. 1:17-OP-45053

City of Huntington, W.Va. v.
AmerisourceBergen Drug Corp., et al.,
Case No. 17-OP-45054

**JOINT STIPULATION OF DESIGNATION OF REMAND RECORD
PURSUANT TO JPML RULE 10.4(a)**

Pursuant to Rule 10.4(a) of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation (“JPML”), Plaintiffs Cabell County Commission and City of Huntington, West Virginia and Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc. and McKesson Corporation (collectively, “Defendants”), hereby submit the parties’ joint stipulation of the contents of the record to be remanded to the U.S. District Court for the Southern District of West Virginia, and state as follows:

These cases were pending in Southern District of West Virginia prior to the creation of the instant multidistrict proceedings. The JPML subsequently transferred the cases to this Court for consolidated proceedings as part of in *In re: National Prescription Opiate Litig.*, Case No. 1:17-MD-2804 (N.D. Ohio). On January 6, 2020, this Court filed a Suggestion of Remand with the JPML. *See* MDL Doc. 3059. The JPML issued a Conditional Remand Order

including this action on January 14, 2020. *See* JPML Doc. 6751. As no party objected to the Conditional Remand Order within seven days of its issuance, it has now taken effect.

Pursuant to JPML Rule 10.4(a) and the above-referenced remand order, the parties hereby designate the following items for inclusion in the record on remand:

- A. As required by JPML Rule 10.4(b), all entries in the Southern District of West Virginia's individual case dockets for *Cabell County Commission v. AmerisourceBergen Drug Corporation et al.*, Case No. 3:17-cv-01665 and *City of Huntington, W.Va. v. AmerisourceBergen Drug Corp., et al.*, 3:17-cv-01362;
- B. All entries in the Northern District of Ohio's individual case dockets for *Cabell County Commission v. AmerisourceBergen Drug Corporation et al.*, Case No. 1:17-OP-45053 and *City of Huntington, W.Va. v. AmerisourceBergen Drug Corp., et al.*, Case No. 17-OP-45054 from the date of transfer forward; and
- C. All documents from the Master MDL Docket, No. 1:17-md-2804 (N.D. Ohio), that are listed on Attachment A hereto.

The parties' stipulation that a particular item (including a court order) may be included in the contents of the remanded record does not constitute an agreement that the item is relevant to the remanded proceeding, is the law of the case, or otherwise has any binding effect in the remanded proceeding. The parties accordingly reserve the right to challenge in the proceedings on remand the relevance, binding effect, or persuasive value of any document or filing designated in this stipulation. Further, while the parties were diligent in reviewing the dockets and making these designations, the parties reserve the right to present to the transferor court any documents or filings that were inadvertently excluded from this designation.

Dated February 18, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. Copies may be obtained through the Court's CM/ECF system.

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